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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,445

03/31/2004

Frank Oliver Hoffmann

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7590

11/13/2008

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.

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ONE FINANCIAL CENTER

BOSTON, MA 02111

EXAMINER

MCLEOD, MARSHALL M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,445	<b>Applicant(s)</b> HOFFMANN ET AL.	
	<b>Examiner</b> MARSHALL MCLEOD	<b>Art Unit</b> 2457	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-15 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1, 5, 9, 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

4. The inclusion in the claims of "a business application to manage and control a business enterprise" is improper because there is no support in specification for this limitation. Examiner finds no instance where the specification particularly describes the claimed invention invoking a "a business application to manage and control a business enterprise."

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2457

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**6. Claims 1, 5, 9, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

7. With respect to claims 1, 5, 9, 10 and 11 (line 6), "a business application to manage and control a business enterprise" is indefinite. It is not clearly understood how or what the business application does or is doing to manage and control a business enterprise. It is also not clearly understood what business enterprise the applicant is referring to. Appropriate clarification is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**9. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Traversat et al. (Pub. No US 20020184357 A1), hereinafter Traversat.**

10. With respect to claim 12, Traversat discloses the first component sending the message to one of one or more components in the collaborative network, wherein each component is

Art Unit: 2457

operative to: send a transport level acknowledgement, in response to successfully receiving the message; cause the message to be sent to the receiving application; include the component on the hop-list in the message, by modifying the message; if the component sends the message to the receiving application, generate the acknowledgement message, and send the acknowledgement message; and send a transport level acknowledgement in response to successfully receiving the acknowledgement message ([0384], lines 1-6; [0386], lines 1-6).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**12. Claims 1, 5, 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat et al. (Pub. No US 20020184357 A1), hereinafter Traversat, in view of Chen et al. (Pub. No US 20020184070 A1), hereinafter Chen.**

13. With respect to claim 1, Traversat discloses a method of transporting a message from a sending application to a receiving application, across a messaging landscape in a collaborative network (Page 12; [0147], lines 1-18), the method comprising: a message to include a structured message header, wherein the structured message header is defined in accordance with a messaging protocol, the structured message header comprising one or more components defined

Art Unit: 2457

by the protocol with each of the one or more components relating to a corresponding set of attributes of the message (Page 12; [0148], lines 1-14), at least one of the one or more components of the structured header including information related to: security for components of the message (Pages 12- 13; [0150], lines 1-24); a processing mode for the message (Page 20; [0253], lines 1-6; i.e. tells the receiver how to process the message whether it is a request, or simply a response so do nothing), and sending the message according to the protocol, from the sending application; and receiving, at the receiving application, the message (Page 12; [0149], lines 1-2).

Traversat does not disclose a business application to manage and control a business enterprise or a processing mode for the message. However, Chen discloses a business application to manage and control a business enterprise (Page 3; [0047], lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Traversat with the teachings of Chen in order to encourage collaborative business process management between users in the same business enterprise as well as different enterprises.

14. With respect to claim 5, Traversat discloses a method of transporting a message from a sending application to a receiving application, across a messaging landscape in a collaborative network (Page 12; [0147], lines 1-18), the method comprising: defining an application message having a structured application message header, the structured message header being defined in accordance with an application a messaging protocol, the structured application message header

Art Unit: 2457

comprising one or more components defined by the protocol with each of the one or more components relating to a corresponding set of attributes of the message (Page 12; [0148], lines 1-14), at least one of the one or more components including version information, the version information indicating the protocol used to define the message (See Figures 5 & 9; Page 13; [0153]; [0154], line 1); sending the message according to the protocol (Page 12; [0150], lines 2-3); and receiving, at a messaging component in the messaging landscape, the message, the messaging component being operative to process the message based on the version information included in the message (Page 13; [0153], [0154], [0155]).

Traversat does not disclose a business application to manage and control a business enterprise. However, Chen discloses a business application to manage and control a business enterprise (Page 3; [0047], lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Traversat with the teachings of Chen in order to encourage collaborative business process management between users in the same business enterprise as well as different enterprises.

15. With respect to claim 9, Traversat discloses a method of transporting a message from a sending application to a receiving application, across a messaging landscape in a collaborative network (Page 12; [0147], lines 1-18), the method comprising: a message to include addressing information, wherein the addressing information is defined in accordance with a protocol and the

Art Unit: 2457

protocol defines addressing information to include party information for the sending application and the receiving application (Page 12; [0147], lines 6-7; Figure 5), and the party information to include identification of a party that is a business party or an agency that is defined by a scheme (Page 12; [0148], lines 6-11); sending the message, from the sending application, according to the protocol (Page 12; [0150], lines 2-3); and receiving, at the receiving application, the message (Page 12; [0150], lines 2-3).

Traversat does not disclose a business application to manage and control a business enterprise. However, Chen discloses a business application to manage and control a business enterprise (Page 3; [0047], lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Traversat with the teachings of Chen in order to encourage collaborative business process management between users in the same business enterprise as well as different enterprises.

16. With respect to claim 10, Traversat discloses a method of transporting a message from a sending application to a receiving application, across a messaging landscape in a collaborative network (Page 12; [0147], lines 1-18), the method comprising: an application message according to a class of messages, the class of messages is one of a plurality of classes of messages that are defined by a messaging protocol (Page 6; [0087], lines 1-4; Page 30; [0378]), the application message having a structured application message header, the structured message header being



Art Unit: 2457

defined in accordance with an application a messaging protocol, the structured application message header comprising one or more components defined by the protocol with each of the one or more components relating to a corresponding set of attributes of the message (Page 12; [0148], lines 1-14); sending the message, from the sending application, according to the protocol (Page 12; [0150], lines 2-3); and receiving, at the receiving application, the message (Page 12; [0150], lines 2-3).

Traversat does not disclose a business application to manage and control a business enterprise. However, Chen discloses a business application to manage and control a business enterprise (Page 3; [0047], lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Traversat with the teachings of Chen in order to encourage collaborative business process management between users in the same business enterprise as well as different enterprises.

17. With respect to claim 11, Traversat discloses a method of transporting a message from a sending application to a receiving application, across a messaging landscape in a collaborative network (Page 12; [0147], lines 1-18), receiving an application message, from the sending application, at a first component of the collaborative network (Page 12; [0150], lines 2-3), the application message having a structured application message header, the structured message header being defined in accordance with a protocol (Page 12; [0148], lines 1-14), the structured

Art Unit: 2457

application message header comprising one or more components defined by the protocol with each of the one or more components relating to an associated set of attributes of the message (Page 12; [0148], lines 1-14); in response to the first component successfully receiving the message, the first component sending a transport level acknowledgement to the sending application; the first component modifying the message to include the first component on a hop-list in the message; the first component causing the message to be sent to the receiving application; in response to receiving an acknowledgement message, from a second component, indicating that the message has been received by the receiving application, the first component sending a transport level acknowledgement to the second component, (Page 31; [0384], lines 1-6). Prior art Szabo also discloses the same ([0169], lines 1-6; [0170], lines 1-4).

Traversat does not disclose a business application to manage and control a business enterprise. However, Chen discloses a business application to manage and control a business enterprise (Page 3; [0047], lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Traversat with the teachings of Chen in order to encourage collaborative business process management between users in the same business enterprise as well as different enterprises.

18. With respect to claim 13, the claim is rejected for the same reasons as claim 1 above. In addition, Traversat does not disclose wherein the messaging protocol of the business application

Art Unit: 2457

to manage and control the business enterprise is different from standard network communications protocols.

However, Chen discloses wherein the messaging protocol of the business application to manage and control the business enterprise is different from standard network communications protocols (Page 3; [0040], lines 1-13).

**19. Claims 2-4 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat et al. (Pub. No US 20020184357 A1), hereinafter Traversat, in view of Chen et al. (Pub. No US 20020184070 A1), hereinafter Chen, and further in view of Ringseth et al. (Pub. No. US 20030014733 A1), hereinafter Ringseth.**

20. With respect to claim 2, neither Traversat nor Chen discloses a fault message component representing an error occurring at a messaging peer that generated the error. However, Ringseth discloses a fault message component representing an error occurring at a messaging peer that generated the error, ([0068], lines 1-8; [0069], lines 1-5; [0070], lines 1-3; [0074], lines 1-8).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Traversat and Chen with the teachings of Ringseth, because adding a fault message component would help to speed up messages by reducing and preventing message failures.

Art Unit: 2457

21. With respect to claim 3, the claim is rejected for the same reasons as claim 2 above. In addition, neither Traversat nor Chen, discloses a fault message that is defined to represent at least one error from a set of errors and the protocol defines the set of errors to comprise: errors processing a message; errors parsing a message; and errors rendering a message.

However, Ringseth discloses a fault message that is defined to represent at least one error from a set of errors and the protocol defines the set of errors to comprise: errors processing a message; errors parsing a message; and errors rendering a message (Pages 6-7; [0064-0076]).

22. With respect to claim 4, the claim is rejected for the same reasons as claim 2 above. In addition, Traversat discloses the security for components of the message defined to comprise: information related to a signature of the message; and information related to a signature of a payload of the message, if the message includes the payload, (Page 36; [443], lines 1-12).

23. With respect to claim 14, the claim is rejected for the same reasons as claim 1 above. In addition neither Traversat nor Chen discloses wherein the structured application message header comprises: a structured application message header specified using XML syntax.

However, Ringseth discloses wherein the structured application message header comprises: a structured application message header specified using XML syntax (Page 5; [0051], lines 1-2; i.e. ... message is a XML document..).

Art Unit: 2457

24. With respect to claim 15, the claim is rejected for the same reasons as claim 1 above. In addition neither Traversat nor Chen discloses wherein the structured application message header is specified in a designated header section of a Simple Object Access Protocol (SOAP) message. However, Ringseth discloses wherein the structured application message header is specified in a designated header section of a Simple Object Access Protocol (SOAP) message (Page 5; [0052], lines 1-7).

25. **Claims 6-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat et al. (Pub. No US 20020184357 A1), hereinafter Traversat, in view of Chen et al. (Pub. No US 20020184070 A1), hereinafter Chen, and further in view of Ringseth et al. (Pub. No. US 20030014733 A1), hereinafter Ringseth and further in view of Szabo, (Pub. No. US 20020138618 A1).**

26. With respect to claim 6, the claim is rejected for the same reasons as claim 5 above. In addition, neither Traversat nor Chen nor Ringseth discloses that the version information includes a major version and a minor version. However, Szabo discloses the version information includes a major version and a minor version, (Page 6; [0094], lines 1-2; Figure 12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Traversat, Chen and Ringseth with the teachings of Szabo, in order to tell the receiver how to handle a received message and speed up message processing.

27. With respect to claim 7, the claim is rejected for the same reasons as claim 6 above. In addition, neither Traversat nor Chen nor Szabo discloses wherein the messaging component is operative to process the message if the major version is less than or equal to a major version for which the messaging component is configured.

However, Ringseth discloses wherein the messaging component is operative to process the message if the major version is less than or equal to a major version for which the messaging component is configured, (Page 6; [0055], lines 1-7).

28. With respect to claim 8, the claim is rejected for the same reasons as claim 6 above. In addition, neither Traversat nor Chen nor Szabo discloses wherein the messaging component is operative to process the message regardless of the minor version of the message and the messaging component is operative to optimally process the message if the minor version of the message is less than or equal to a minor version for which the messaging component is configured.

However, Ringseth discloses wherein the messaging component is operative to process the message regardless of the minor version of the message and the messaging component is operative to optimally process the message if the minor version of the message is less than or equal to a minor version for which the messaging component is configured, (Page 6; [0055], lines 1-7).

***Response to Arguments***

29. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod  
Art Unit 2457

Application/Control Number: 10/816,445

Page 15

Art Unit: 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457